

REMARKS

Claims 1-35 are pending in this application. By this Amendment, claim 21 is amended. No new matter is added.

The Office Action rejects claim 21 under 35 U.S.C. §112, second paragraph, as indefinite. Claim 21 is amended to obviate this rejection, without narrowing the claim. Accordingly, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1, 7-10, 13, 16-18, 24, 26, 32 and 33 under 35 U.S.C. §102(b) over U.S. Patent No. 6, 216,899 to Vicari. This rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, a hinge that connects a lid of a box to a base portion of the box. As recited, the hinge comprises a first element fixed to the base portion and a second element fixed to the lid, with one of the first and second elements comprising loops and the other comprising hooks that are arranged to cooperate with the loops. Applicant respectfully submits that Vicari fails to disclose, teach or suggest these claimed features.

Vicari discloses a box for transporting and storing various products. The box is made of wood and is configured to be assembled and disassembled. According to Vicari, an upper cover 30 is connected to side plates 20 by latches 20', 30'. See the Abstract, Figs. 1 and 2, and column 3, lines 58-61.

According to Vicari, four (4) pairs of such latches 20', 30' are used on the respective four side plates 20 to secure the cover 30 to the side plates 20, not to provide any articulation via a hinge. Thus, there is no teaching or suggesting of the latches 20', 30' of Vicari forming hinges. Rather, Vicari specifically discloses that conventional metal hinges 24, 25, 27, 28 are to be used where articulation between elements is desired.

The Office Action asserts that the latches 20', 30' are "fully capable of functioning as hinges." Applicant respectfully disagrees and submits that a single pair of latches 20', 30'

disposed in the middle of the cover 30 and side plate 20 is not configured to function as a hinge. The flexible nature of the latches 20', 30' would require a different configuration to support the weight of the cover 30. Further, any modification to render the latches 20', 30' of Vicari to be suitable for acting as a hinge is clearly not taught or suggested by Vicari as Vicari does not contemplate any such function for the latches 20', 30'.

Therefore, Applicant respectfully submits that claim 1 is patentable over Vicari. Claims 7-10, 13, 16-18, 24, 26, 32 and 33 are patentable over Vicari at least in view of the patentability of claim 1 from which they depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1-3, 11, 12, 14, 15, 17-21, 24, 26-31, 34 and 35 under 35 U.S.C. §103(a) over U.S. Patent No. 7,047,983 to Manougian et al. (Manougian) in view of U.S. Patent No. 6,626,432 to Rago et al. (Rago). This rejection is respectfully traversed.

As noted above, independent claim 1 recites, *inter alia*, a hinge, that connects a lid of a box to a base portion of the box, comprises a first element fixed to the base portion and a second element fixed to the lid, with one of the first and second elements comprising loops and the other comprising hooks that are arranged to cooperate with the loops. Applicant respectfully submits that the alleged combination of Manougian and Rago cannot reasonably be considered to render obvious these claimed features.

Manougian specifically teaches to design a hinge as being integral/unitary with the lid and base (for example, hinge 120 in Fig. 5) or as a combination of mechanical components (for example, 220 in Fig. 7). As illustrated in Fig. 7, the mechanical hinge is formed by a pin extending through mating protrusions of the lid and the base. (Col. 22, Ins. 58-61.)

As acknowledged by the Office Action, Manougian does not teach or suggest a "hook-and-loop" hinge.

The Office Action alleges that "Rago shows that a hook-and-loop hinge was an equivalent structure known in the art." Applicant respectfully disagrees.

First, the technical field (art) of Rago is portable board games, which is entirely different from the cosmetic container field in which Manougian is involved. A person of ordinary skill in the art of cosmetic containers, such as disclosed by Manougian, would not have been motivated to look to the technical field of portable board games to seek an improvement. The only possible motivation to combine references from such different arts appears to be based on impermissible hindsight reasoning in an attempt to achieve Applicant's claims by supplying missing elements. Such use of Applicant's claims as a roadmap is improper.

Second, Rago does not establish that "a hook-and-loop hinge was an equivalent structure known in the art." On the contrary, as discussed above, Rago merely discloses that a hook-and-loop hinge was known in the portable game board art, not in the cosmetic container art.

Third, Manougian teaches away from using a hook-and-loop structure as a hinge for a cosmetic container. As discussed above, Manougian specifically teaches hinges that may be structurally reinforced, whereas a hook-and-loop hinge is not capable of such reinforcement. See, for example, column 18, lines 18-20 and 42-44, and column 20, lines 28-29.

Because a hook-and-loop hinge is not capable of structural reinforcement, replacing the specific hinge structures of Manougian with a hook-and-loop hinge would render the cosmetic container unsuitable for its intended purpose. The structural reinforcement is a specifically intended feature of Manougian that could not be achieved by the alleged modification. As set forth in MPEP §2143.01(V), such a modification that renders the prior art invention unsatisfactory for its intended purpose is not suggested or motivated.

Further, there is no suggestion or motivation where the alleged modification would change the principle of operation of the prior art invention. MPEP §2143.01(V). The hinges taught by Manougian provide a fixed connection between the lid and the base of the cosmetic container. On the other hand, the hook-and-loop hinge taught by Rago allows relatively easy separation of the game board. Such easy separation of the lid and the base be unsuitable for the cosmetic container of Manougian, which is to include structural reinforcement.

Moreover, this illustrates the different principles of operation between the hinges taught by Manougian and the hook-and-loop hinge taught by Rago. Any substantial resistance to separation provided by the hook-and-loop hinge taught by Rago is due to its extension along the entire width of the game board. Such an arrangement is not possible with the very limited area for connection provided by the disc-shaped lid and base of Manougian.

For at least these reasons, Applicant respectfully submits that a person of ordinary skill in the art would not have been motivated to combine the teachings of Manougian and Rago as asserted by the Office Action. Thus, the alleged combination of Manougian and Rago is improper and the rejection based thereon should be withdrawn.

Therefore, Applicant respectfully submits that claim 1 is patentable over Manougian and Rago. Claims 2-3, 11, 12, 14, 15, 17-21, 24, 26-31, 34 and 35 are patentable over Manougian and Rago at least in view of the patentability of claim 1 from which they depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-35 are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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